

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In the Matter of)
) MM Docket No. 97-178 /
)
Amendment of Station 73.202(b),) RM-8329
Table of Allotments,) RM-8739
FM Broadcast Stations)
(West Hurley, Rosendale, and)
Rhinebeck, New York and North)
Canaan and Sharon, Connecticut)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Mass Media Bureau

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REPLY COMMENTS IN SUPPORT OF SUNY COUNTERPROPOSAL

WMHT Educational Telecommunications (WMHT), by its attorneys, files these Reply Comments in support of the State University of New York's (SUNY) "Comments and Counterproposal of SUNY Petition for Reconsideration" filed October 8, 1997. ^{1/}

1. WMHT is the licensee of Station WRHV(FM), Poughkeepsie, New York, which shares time on Channel 204A with Station WFNP(FM), licensed to SUNY at Rosendale, New York. The two stations operate in accordance with a time-sharing agreement which permitted SUNY and WMHT to settle a comparative hearing. SUNY originates its programming from its New Paltz campus during the hours for which it is licensed. WMHT presently operates Station WRHV(FM) on a 24-hour basis during January, May, June, July, August and December. During the other six months of the year, Station WRHV(FM) is on the 14 hours on weekdays and 17 hours on weekends. All programming is transmitted from a common facility.

2. WMHT supports the effort by SUNY to secure Channel *273 to the Town of

¹ The Commission accepted SUNY's counterproposal and established May 11, 2001 as the date for the filing of Reply Comments by Public Notice Report No. 2480, "Consumer Information Bureau Reference Information Center Petition for Rulemaking Filed," April 26, 2001.

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2. WMHT supports the effort by SUNY to secure Channel *273 to the Town of Rhinebeck, New York as a reserved noncommercial educational channel and as that community's first local service. Assuming allotment as requested, SUNY will apply for the station ("Counterproposal" at p. 4). Once SUNY has a new Station at Rhinebeck, SUNY will no longer need to share the frequency used by WMHT for its Station WRHV(FM). As soon as it is possible, WMHT will file an application to specify full-time operation for Station WRHV(FM) on Channel 204A at Poughkeepsie.

3. The public interest will be well-served by the grant of SUNY's counterproposal. In its "Reply of SUNY" filed October 22, 1997, SUNY showed the comparison of other proposals in this rulemaking by which the Rhinebeck counterproposal is superior. Moreover, "other public interest matters" are considered by the Commission in setting priorities for deciding FM channel allotments; FM Channel Policies/Procedures, 88 FCC 2nd 88, 91 (1982). Grant of SUNY's Petition and the subsequent grant of a Rhinebeck station to SUNY will permit WMHT to transmit its noncommercial programming on a 24 hour-a-day, 7-days-a-week basis, 365 days a year, to the further benefit of the public, as outlined by SUNY in its "Comments and Counterproposal".

Respectfully submitted,

WMHT EDUCATIONAL TELECOMMUNICATIONS

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CERTIFICATE OF SERVICE

I, Mary Kay McMahon, Secretary in the law offices of Schwartz, Woods & Miller, do hereby certify that I have on this 11th day of May, 2001, sent by First Class United States mail, postage prepaid, copies of the foregoing **REPLY COMMENTS IN SUPPORT OF SUNY COUNTERPROPOSAL** to:

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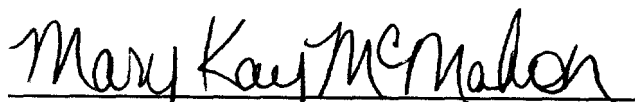
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